

## **ARTICLE 2 - ZONING DISTRICTS**

**Purpose and Intent** Zoning Districts are necessary to achieve compatible development and land uses at appropriate densities and locations within the Town of Nolensville. The districts, as established below, provide the ability to implement the land use policies contained in the Town of Nolensville Comprehensive Plan.

## **2.1.0 ZONING DISTRICTS ESTABLISHED**

There shall be nine (9) base zoning districts in Nolensville and four (4) overlay zoning districts (a historic district overlay, a planned unit development overlay, a commercial corridor overlay and an annexation buffer overlay). The four (4) overlay districts address specific aspects of land use control and development design that transcend conventional zoning districts. The overlay districts shall represent mapped geographic areas and shall be applied to the Official Zoning Map. The following zoning districts are hereby established:

**Estate Residential (ER)**

**Suburban Residential (SR)**

**Urban Residential (UR)**

**Village (V)**

**Village Fringe (VF)**

**Commercial Services (CS)**

**Office/Industrial (OI)**

**Public Institutional (PI)**

**Historic District Overlay (HD)**

**Planned Unit Development Overlay (PUD)**

**Commercial Corridor Overlay District (CCO)**

**Commercial Regional District (CR)**

**Annexation Buffer Overlay District (ABO)**

## 2.2.0 ZONING DISTRICTS DESCRIBED

- 2.2.1 **Estate Residential (ER)** The intent of this district is to permit development that would protect the town's rural character. The minimum lot size is one-and-a-half (1.5) acres. Primary uses include agriculture, detached single-family homes, and open space.

<b>AREA &amp; LOT REGULATIONS -- ESTATE RESIDENTIAL (ER)</b>	
Maximum gross density per acre	0.60
Min. Lot Area (in square feet)	65,340
Max. Lot Area (in square feet)	n/a
Min. Lot Width at Building Area (in feet)	150'
Min. Front Yard Setback (in feet)	
Fronting Arterial Road	100'
Fronting Major Collector	100'
Fronting Minor Collector	60'
Fronting Local Road	50'
Min. Side Yard Setback (in feet-interior)	35'
Min. Side Yard Setback (in feet-exterior)	50'
Min. Rear Yard Setback (in feet)	50'
Max. First Floor Area	N/A
Max. Impervious Surface Ratio (ISR)	0.40*
Max. Building Height (in feet)	35'
Minimum Green Space Required	60%
Maximum Block Length for Subdivisions	1000'

\* Only applies to non-residential uses in these residential zones. Accessory residential buildings shall not exceed 750 square feet.

All residential dwelling units are required to have two off street parking spaces.

### **Permitted Uses:**

- Agriculture
- Nursery
- Stables/Animal Board Facilities
- Single Family Homes
- Accessory Home Day Care
- Park
- Kennels

### **Permitted with Conditions:**

- Accessory dwelling/Apartment
- Mobile home dwelling

- Bed and Breakfast facility
- Educational facility
- Religious institution
- Cemetery
- Recreational and athletic facilities
- Community Center
- Charitable, fraternal or social organization
- Emergency services ordinations
- Veterinary office
- Home occupation
- Day care home
- Day care center
- Group home 9 or more residents
- Funeral home
- Utility facility
- Historic Home Special Events

**Prohibited Uses:**

Any use or structure not specifically permitted by right or by conditional use is prohibited.

**DISTRICT STANDARDS**

**Road Setbacks** Road setbacks shall be measured from the road right-of-way line. Road classifications are as established in the Major Thoroughfare Plan, adopted as part of the Town of Nolensville Comprehensive Plan. Road setbacks are dependent upon zoning district and the type of road (arterial, major collector, minor collector or local) which the structure will front.

**Alley/Private Road Setbacks** Alley and private road setbacks shall be measured from edge of pavement.

**Irregular Shaped Lots** Wherever a lot is of such irregular shape that the setback provisions cannot be readily applied, the Town Planner shall interpret the application of the setback provisions.

**Corner Lots** Corner lots shall be considered to have one (1) front yard, two (2) side yards (one [1] exterior and one [1] interior) and one (1) rear yard. For the purpose of determining setbacks, the rear yard shall be the yard on the opposite side of the structure from the front elevation of the structure.

**District Standard Terms** See the definitions contained in Section 1.13 for definitions of terms contained in this article.

**Permitted Incidental Structures Within Setbacks** The following items that are incidental and subordinate to the principal building may be located within required setbacks as described below:

- 1) Arbors and trellises; awnings, patio covers, or canopies projecting not more than six (6) feet from the principal building wall over a required rear setback, and having no supports other than provided by the wall or its integral parts; chimneys projecting not more than three (3) feet into the required rear or side setback; flagpoles having only one structural ground member; fountains; heating, ventilation and air conditioning units (including compressors and condensers) for single-family or two-family or dwellings in rear or side setbacks, provided exhaust air is directed vertically or otherwise away from the adjacent property line; mailboxes;
- 2) Open terraces, including natural plant landscaping; open patios; open, uncovered stoops, including handicap ramps; for single family or duplex uses, parking spaces for the handicapped; recreational equipment in the rear setback in residential districts;
- 3) Steps to the principal entrance and necessary landings, together with a railing no more than three (3) feet high, and extending no more than six (6) feet into the setback; not allowed to encroach side setbacks.
- 4) Trees, shrubs, flowers, hedges or other features of natural growth;
- 5) Screening Walls or Fences:
  - a) that are located in the rear setback and do not exceed six (6) feet in height, or
  - b) open fences of metal or wood rail type may be located in the front yard setback in the ER District if the front entrance is not gated. Gated entrances must provide proof of emergency access systems.
- 6) An uncovered deck that is located at least ten (10) feet from the rear property line, does not encroach on required side setbacks or public utility or drainage easements, and has a maximum deck elevation no greater than the average finished first floor elevation of the principal building as established by the front entrance; In P.U.D.'s with lots under eleven thousand (11,000) square feet, an uncovered deck must be located no closer than five (5) feet from the rear property line that abuts on a dedicated open space area and meets all other requirements above.
- 7) Satellite dishes not exceeding the dish size in diameter that can be regulated by local governments as established by FCC regulations; and, yard and service lighting fixtures and poles;
- 8) Accessory buildings that meet specific requirements of each zoning district.

**Accessory Buildings**

- A. Except where prohibited, accessory buildings which are customarily incidental to the other uses permitted in this district may be placed or constructed on any parcel within a zoning district, provided that all requirements for accessory buildings as set forth in this section are met and that approval is obtained from the Town as follows:
1. The Mayor or his designee is authorized to approve one accessory building for each lot.
  2. 

<u>Lot Size</u>	<u>Building Size</u>
Up to Three Acres	1200 Square Feet
Up to Five Acres	1500 Square Feet
Five Acres or More	2000 Square Feet
No Accessory Building shall exceed 2000 Square Feet	
- B. The accessory dwelling or apartment shall be no larger than seven hundred fifty (750) square feet.
- C. Only one (1) accessory building shall be allowed on each parcel, except where the size of the parcel is three or more acres in size. On parcels of three or more acres in size, additional accessory buildings may be allowed if the other requirements of this section are met and such additional accessory buildings are essential to the general farming activities conducted on the property.
- D. No accessory building shall exceed seven hundred fifty (750) square feet of floor space, except on parcels of three or more acres in size.
- E. Except for accessory buildings that are essential to the general farming activities conducted on the property, the Town may establish reasonable requirements for the installation and maintenance of landscaping improvements as a condition of approval of an accessory building in order to protect the existing character of the surrounding neighborhood. An owner of property who fails to install and maintain such landscaping improvements as may be required as a condition of approval of an accessory building shall be in violation of this district.
- F. Each accessory building on parcels of less than five acres in size shall be located within the rear yard. Each accessory building on parcels of five (5) or more acres in size shall be located within the rear or side yard. Each accessory building shall be placed at least ten (10) feet away from any adjoining property line and at least ten feet away from any other building on the property. No accessory building shall be erected in any required front yard.
- G. Any accessory building on corner lots shall conform to the applicable setback for both intersecting streets.
- H. Except for accessory buildings that are essential to the general farming activities conducted on the property, no accessory building shall exceed one (1) story with a maximum height of twenty (20) feet.

- I. Except on parcels of five (5) or more acres in size, no accessory building shall be designed and/or used for living quarters or sleeping quarters.
- J. Detached storm shelters shall be subject to the provisions of this section and the following additional conditions:
  - 1. Excluding required ventilation and access doors on the surface, storm shelters shall be located entirely underground and within the buildable area in the rear yard. Any such shelter shall be completely below the natural grade of the affected site, and no mounding or other alteration of the natural grade shall be permitted in accommodating the storm shelter.
  - 2. The gross floor area of a storm shelter shall not exceed two hundred (200) square feet.
  - 3. A storm shelter and the gross floor area within it shall not be counted toward the maximum number and size limitations placed on other types of permitted accessory structures.
  - 4. The construction shall comply with all applicable building and safety code provisions, including normal building permit and inspection requirements.
- K. Any person who initiates construction or installation of an accessory building without necessary approvals and permits shall be subject to all penalties set forth in the applicable building codes in addition to any penalties, which may be imposed for violation of this district. The Mayor or his designee may also require the accessory building to be relocated or removed if determined to be in violation of the requirements of this section.

**Farm House Cluster Developments** A farmhouse cluster permits the subdivision of land for up to six houses accessed by way of a shared private drive when the following conditions have been met:

- A. Minimum project size – ten (10) acres
- B. A paved or graveled private drive shall be constructed on a recorded easement not less than twenty-five (25) feet in width.
- C. An association of all property owners shall be established for the maintenance of the common drive and commonly held spaces, if any.
- D. The location of the building sites shall be determined through a site analysis which identifies rural heritage features to be preserved.
- E. No minimum lot size or width is required, so long as the project meets all other standards of the district.
- F. Open space preservation shall be irrevocable. A metes and bounds description of the space to be preserved and limits on use shall be recorded on the subdivision plat and on individual deeds when open space lands are not held entirely in common. Open space lands may be part of a deeded lot so long as it reflects an irrevocable conservation or open space easement requiring such portions of individual lots to remain and be used as open space as provided in this section.

- G. Permitted uses of open space lands to be preserved shall correspond generally to physical conditions at the time of subdivision approval. Restrictive covenants shall limit uses to the continuation of certain agricultural activities (pastureland, crop cultivation) or recreation uses that preserve the view from public streets of rural heritage features to be preserved. For example, fields or pasture land preserved as required open space may continue to support cultivation or grazing; however existing woodlands may not be clear cut.
- H. The project shall maintain a generally rural appearance from public road(s).
- I. Where a farmhouse cluster would eliminate a planned street connection or a street connection indicated on the Major Thoroughfare Plan and no alternative alignment can reasonably provide the connection, the design of the farmhouse cluster shall provide for said connection by the dedication of right-of-way for streets.
- J. A farmhouse cluster requires an approved subdivision plan, according to the requirements of the Nolensville Subdivision Regulations and shall meet all other requirements for review and approval, which may include preliminary plan approval prior to the approval of the final plat.



- 2.2.2 **Suburban Residential (SR)** The intent of this district is to permit the development of medium-density suburban housing. The minimum lot size is twenty-thousand (20,000) square feet. The primary use is single-family detached homes.

<b>AREA &amp; LOT REGULATIONS – SUBURBAN RESIDENTIAL (SR)</b>	
Maximum gross density per acre	1.8
Min. Lot Area (in square feet)	20,000
Max. Lot Area (in square feet)	N/A
Min. Lot Width at Building Area (in feet)	90'
Min. Front Yard Setback (in feet)	
Fronting Arterial Road	75'
Fronting Major Collector	60'
Fronting Minor Collector	50'
Fronting Local Road	40'
Min. Side Yard Setback (in feet-interior)	15'
Min. Side Yard Setback (in feet-exterior)	20'
Min. Rear Yard Setback (in feet)	20'
Max. first floor area	N/A
Max. Impervious Surface Ratio (ISR)	0.50*
Max. Building Height (in feet)	35'
Minimum Green Space Required	10%
Maximum block length for subdivisions	800'

\* Only applies to non-residential uses in these residential zones. Accessory residential buildings shall not exceed 750 square feet.

All residential dwelling units are required to have two off street parking spaces.

Minimum amount of side or rear entry garages shall be 70%.

Front entry garage facings shall be setback a minimum of 3' from the front building façade.

Lots on the preliminary and final plats shall be designated as to garage entry types.

**Permitted Uses:**

- Single Family homes
- Accessory Home Day Care
- Parks
- Agriculture

**Permitted with Conditions:**

- Accessory Dwelling/Apartment
- Religious Institution
- Educational Facility
- Community Center
- Home Occupations

- Day Care Home
- Utility Facility
- Day Care Centers as part of an approved PUD plan
- Day Care Centers as part of a religious institution use
- Retail and office uses as part of an approved PUD/PCD plan

**Prohibited Uses:**

Any use or structure not specifically permitted by right or by conditional use is prohibited.

**DISTRICT STANDARDS**

**Road Setbacks** Road setbacks shall be measured from the road right-of-way line. Road classifications are as established in the Major Thoroughfare Plan, adopted as part of the Town of Nolensville Comprehensive Plan. Road setbacks are dependent upon zoning district and the type of road (arterial, major collector, minor collector or local) which the structure will front.

**Alley/Private Road Setbacks** Alley and private road setbacks shall be measured from edge of pavement.

**Irregular Shaped Lots** Wherever a lot is of such irregular shape that the setback provisions cannot be readily applied, the Town Planner shall interpret the application of the setback provisions.

**Corner Lots** Corner lots shall be considered to have one (1) front yard, two (2) side yards (one [1] exterior and one [1] interior) and one (1) rear yard. For the purpose of determining setbacks, the rear yard shall be the yard on the opposite side of the structure from the front elevation of the structure.

**District Standard Terms** See the definitions contained in Article 1.10 for definitions of terms contained in this article.

**Permitted Incidental Structures Within Setbacks** The following items that are incidental and subordinate to the principal building may be located within required setbacks as described below:.

- 1) Arbors and trellises; awnings, patio covers, or canopies projecting not more than six (6) feet from the principal building wall over a required rear setback, and having no supports other than provided by the wall or its integral parts; chimneys projecting not more than three (3) feet into the required rear or side setback; flagpoles having only one structural ground member; fountains; heating, ventilation and air conditioning units (including compressors and condensers) for

- single-family or two-family or dwellings in rear or side setbacks, provided exhaust air is directed vertically or otherwise away from the adjacent property line; mailboxes;
- 2) Open terraces, including natural plant landscaping; open patios; open, uncovered stoops, including handicap ramps; for single family or duplex uses, parking spaces for the handicapped; recreational equipment in the rear setback in residential districts;
  - 3) Steps to the principal entrance and necessary landings, together with a railing no more than three (3) feet high, and extending no more than six (6) feet into the setback; not allowed to encroach side setbacks.
  - 4) Trees, shrubs, flowers, hedges or other features of natural growth;
  - 5) Screening Walls or Fences:
    - a) that are located in the rear setback and do not exceed six (6) feet in height, or
    - b) open fences of metal or wood rail type may be located in the front yard setback in the ER District if the front entrance is not gated. Gated entrances must provide proof of emergency access systems.
  - 6) An uncovered deck that is located at least ten (10) feet from the rear property line, does not encroach on required side setbacks or public utility or drainage easements, and has a maximum deck elevation no greater than the average finished first floor elevation of the principal building as established by the front entrance; In P.U.D.'s with lots under eleven thousand (11,000) square feet, an uncovered deck must be located no closer than five (5) feet from the rear property line that abuts on a dedicated open space area and meets all other requirements above.
  - 7) Satellite dishes not exceeding the dish size in diameter that can be regulated by local governments as established by FCC regulations; and, yard and service lighting fixtures and poles;
  - 8) Accessory buildings that meet specific requirements of each zoning district.

### **Accessory Buildings**

- A. Except where prohibited, accessory buildings which are customarily incidental to the other uses permitted in this district may be placed or constructed on any parcel within a zoning district, provided that all requirements for accessory buildings as set forth in this section are met and that approval is obtained from the Town as follows:
1. The Mayor or his designee is authorized to approve one (1) accessory building for each lot.
  2. 

<u>Lot Size</u>	<u>Building Size</u>
Up to Three Acres	750 Square Feet
Three Acres or more	1200 Square Feet
No Accessory Building shall exceed 1200 Square Feet	

- B. The accessory dwelling or apartment shall be no larger than seven hundred fifty (750) square feet.
- C. Only one (1) accessory building shall be allowed on each parcel, except where the size of the parcel is three (3) or more acres in size. On parcels of three (3) or more acres in size, additional accessory buildings may be allowed if the other requirements of this section are met and such additional accessory buildings are essential to the general farming activities conducted on the property.
- D. No accessory building shall exceed seven hundred fifty (750) square feet of floor space, except on parcels of three (3) or more acres in size.
- E. Except for accessory buildings that are essential to the general farming activities conducted on the property, the Town may establish reasonable requirements for the installation and maintenance of landscaping improvements as a condition of approval of an accessory building in order to protect the existing character of the surrounding neighborhood. An owner of property who fails to install and maintain such landscaping improvements as may be required as a condition of approval of an accessory building shall be in violation of this district.
- F. Each accessory building on parcels of less than five acres in size shall be located within the rear yard. Each accessory building on parcels of five (5) or more acres in size shall be located within the rear or side yard. Each accessory building shall be placed at least ten (10) feet away from any adjoining property line and at least ten feet away from any other building on the property. No accessory building shall be erected in any required front yard.
- G. Any accessory building on corner lots shall conform to the applicable setback for both intersecting streets.
- H. Except for accessory buildings that are essential to the general farming activities conducted on the property, no accessory building shall exceed one (1) story with a maximum height of twenty (20) feet.
- I. Except on parcels of five (5) or more acres in size, no accessory building shall be designed and/or used for living quarters or sleeping quarters.
- J. Detached storm shelters shall be subject to the provisions of this section and the following additional conditions:
  - 1. Excluding required ventilation and access doors on the surface, storm shelters shall be located entirely underground and within the buildable area in the rear yard. Any such shelter shall be completely below the natural grade of the affected site, and no mounding or other alteration of the natural grade shall be permitted in accommodating the storm shelter.
  - 2. The gross floor area of a storm shelter shall not exceed two hundred (200) square feet.
  - 3. A storm shelter and the gross floor area within it shall not be counted toward the maximum number and size limitations placed on other types of permitted accessory structures.
  - 4. The construction shall comply with all applicable building and safety code provisions, including normal building permit and inspection requirements.

- K. Any person who initiates construction or installation of an accessory building without necessary approvals and permits shall be subject to all penalties set forth in the applicable building codes in addition to any penalties, which may be imposed for violation of this district. The Mayor or his designee may also require the accessory building to be relocated or removed if determined to be in violation of the requirements of this article.

**Open Space Requirement** The open space requirement shall apply to all developments in the Suburban Residential (SR) zoning district consisting of twenty (20) or more single-family home lots. If a development is platted or developed in phases, the requirement shall be based on the cumulative number of lots developed. Contiguous subdivisions of nineteen (19) lots or less by the same applicant to circumvent this requirement shall not be allowed.

**A. General Requirements**

1. A minimum of ten percent (10%) of each site developed as single-family homes shall be reserved as permanent open space.
2. The required open space shall remain undeveloped and is for the shared use and enjoyment of the owners and development occupants and/or the general public. The Planning Commission may waive the requirement that open space be undeveloped only when recreational facilities are allowed or required. The parcel or parcels of open space shall be part of the development site and shall be included on all subdivision and site plans submitted to the Planning Commission. The developer shall dedicate perpetual easements for all portions of the open space.
3. None of the credited open space may consist of, wetlands, or slopes exceeding twenty-five percent (25%). No more than fifty percent (50%) of the credited open space may consist of one-hundred (100) year floodplains. If the subdivision is developed in phases or sections, all dedicated open space must be identified during the initial phase or section.

All facilities and improvements proposed for construction or installation by the developer in designated open spaces shall be fully bonded prior to the recording of the first platted section of the subdivision to ensure completion in accordance with the approved site plan and within the overall timetable for such improvements. For phased developments, a graduated performance bond is acceptable. When no facilities or improvements are proposed as part of the open space, a maintenance bond will suffice.

- B. **Open Space Design Requirements** It is the intent of this article to promote usable open space design either as a visual amenity to the community or as a functional, accessible, permanent open space. The following provisions shall be met by all open space required by this article:
1. The designated open space shall have access to a public right-of-way via a walkway.
  2. To the maximum extent possible, the open space shall be bound by public roads and occur in standard geometric shapes (squares, rectangles, circles, ovals) in an effort to replicate traditional town greens, which serve as a focal point for adjacent lots.
  3. To the maximum extent possible, the open space shall not be bound by abutting rear and side yards of residential lots.
  4. Landscaped medians within roadways may be counted toward this requirement, but shall not account for more than twenty-five percent (25%) of the required open space. However, landscaped cul-de-sac islands, which are a requirement of the Subdivision Regulations, shall not be credited toward this open space requirement.
  5. If the dedicated open space is wooded, it may remain in its natural state. The development of nature trails is encouraged for wooded open spaces. The design of the required open space must meet Planning Commission approval to assure that the space counts toward satisfying these requirements.
- C. **Open Space Maintenance** The designated open space shall be deeded by the developer to a homeowner's association or other organization approved by the Planning Commission. When this land is deeded to the association, the developer shall also submit to the Town the legal framework for the homeowner's association, with articles of incorporation and by-laws. The following provisions shall apply:
1. The homeowner's association shall be responsible for liability insurance, any applicable local taxes, and maintenance for the open space, including recreational and other facilities, for a period of not less than forty (40) years.
  2. The homeowner's association shall not dispose of any designated open space, by sale or otherwise, except to an organization conceived and established to own and maintain the open space and approved by the Planning Commission. The conditions of any transfer shall conform to the officially recorded development plan.
  3. The homeowner's association shall not be dissolved, except upon disposal of the designated open space as provided for in this article.

- 2.2.3 **Suburban Residential (SR1)** The intent of this district is to permit the development of low density detached housing. The minimum lot size is twenty five thousand (25,000) square feet.

<b>AREA &amp; LOT REGULATIONS – SUBURBAN RESIDENTIAL (SR1)</b>	
Maximum gross density per acre	1.4
Min. Lot Area (in square feet)	25,000
Max. Lot Area (in square feet)	N/A
Min. Lot Width at Building Area (in feet)	100'
Min. Front Yard Setback (in feet)	
Fronting Arterial Road	75'
Fronting Collector	60'
Fronting Local Road	40'
Min. Side Yard Setback (in feet-interior)	20'
Min. Side Yard Setback (in feet-exterior)	25'
Min. Rear Yard Setback (in feet)	30'
Max. first floor area	N/A
Max. Impervious Surface Ratio (ISR)	0.35*
Max. Building Height (in feet)	35'
Minimum Green Space Required	15%
Maximum block length for subdivisions	800'

\* Only applies to non-residential buildings in these residential zones. Accessory residential buildings shall not exceed 750 square feet.

All residential dwelling units are required to have two off street parking spaces.

Minimum amount of side or rear entry garages shall be 90%.

Front entry garage facings shall be setback a minimum of 3' from the front building façade.

Lots on the preliminary and final plats shall be designated as to garage entry types.

**Permitted Uses:**

- Single Family homes
- Accessory Home Day Care
- Parks
- Agriculture

**Permitted with Conditions:**

- Accessory Dwelling/Apartment
- Religious Institution
- Educational Facility
- Community Center
- Home Occupations
- Day Care Home
- Utility Facility
- Day Care Centers as part of an approved PUD plan
- Retail and Office businesses as part of an approved PUD/PCD plan

**Prohibited Uses:**

Any use or structure not specifically permitted by right or by conditional use is prohibited.

**DISTRICT STANDARDS**

Standards for the SR1 district are the same as the SR district. Please see section under Article 2.2.2.



- 2.2.4 Village (V)** This district permits a variety of small-scaled uses. The purpose of this district is to protect the fragility and dynamics of this historic, human-scaled, mixed-use area, and to encourage compatible infill development to reinforce the unique characteristics of this area. Primary uses are retail, services, offices, public/institutional, housing and home occupations.

<u>AREA &amp; LOT REQUIREMENTS – VILLAGE (V)</u>	
<sup>1</sup> Maximum gross density; Residential only	6 units per acre
Min. Lot Area (in square feet); Residential only	2,500
Max. Lot Area (in square feet)	N/A
Min. Lot Width at Building Area (in feet)	25'
Min. Front Yard Setback (in feet)	
Fronting Arterial Road (max/min)	15/5
Fronting Major Collector (max/min)	15/5
Fronting Minor Collector (max/min)	15/5
Fronting Local Road (max/min)	10/5
Min. Side Yard Setback (in feet-interior)	3'
Min Side Yard Setback ( in feet-exterior)	5'
Min. Rear Yard Setback (in feet)	10'
Max. First floor area; Non-Residential	8,000
Max. First floor area; Non-Residential in Historic District Overlay	4,000
<sup>2</sup> Max. Impervious Surface Ratio(ISR); Non-Residential, Mixed Use	0.60
<sup>2</sup> Floor Area Ratio; Non-Residential and Mixed Use	0.35
Max. Building Height (in feet)	35'
Minimum Green Space Required	N/A
Maximum Block Length	600'

1. All residential dwelling units are required to have two off-street parking spaces.
2. ISR and FAR are applied to the area of lot that is not restricted by waterway natural areas or floodway buffer zones.

**Permitted Uses:**

- Single family home
- Townhouse
- Board House
- Day care home
- Religious institution
- Educational facility
- Funeral home
- Park
- Community Center
- Charitable, fraternal or social organization
- Emergency Medical Service (EMS)

- Professional office
- Medical office
- Personal services
- Business service
- Financial institution
- Upholstery/furniture repair
- Restaurant
- General retail
- Convenience store
- Agriculture
- Day Care Centers
- Retail Package Liquor Stores (portion of Village, limited by Ordinance 13-02)

**Permitted with Conditions:**

- Accessory dwelling/apartment
- Bed and Breakfast
- Attached senior housing
- Governmental civic organizations
- Veterinary office
- Home occupations
- Group home 9 or more
- Utility facility
- Cemetery
- Recreation, Commercial, Indoor uses (except the following: bowling alley, pool/billiard hall, skating rink, tennis court, conference center, gymnasium)
- Historic Home Special Events

**Prohibited Uses:**

Any use or structure not specifically permitted by right or by conditional use is prohibited.

**DISTRICT STANDARDS**

**Design Standard** All non-residential developments shall comply with the Nolensville Design Review Standards, Appendix E, Part A Site Layout, Part B Architectural Design Standards, and Part C Historic Design Standards, of this zoning ordinance.

**Road Setbacks** Road setbacks shall be measured from the road right-of-way line. Road classifications are as established in the Major Thoroughfare Plan, adopted as part of the

Town of Nolensville Comprehensive Plan. Road setbacks are dependent upon zoning district and the type of road (arterial, major collector, minor collector or local) which the structure will front.

**Alley/Private Road Setbacks** Alley and private road setbacks shall be measured from edge of pavement.

**Irregular Shaped Lots** Wherever a lot is of such irregular shape that the setback provisions cannot be readily applied, the Town Planner shall interpret the application of the setback provisions.

**Corner Lots** Corner lots shall be considered to have one front yard, two side yards (one exterior and one interior) and one rear yard. For the purpose of determining setbacks, the rear yard shall be the yard on the opposite side of the structure from the front elevation of the structure.

**District Standard Terms** See the definitions contained in Article 1.13 for definitions of terms contained in this article.

**Permitted Incidental Structures Within Setbacks** The following items that are incidental and subordinate to the principal building may be located within required setbacks as described below:.

- 1) Arbors and trellises; awnings, patio covers, or canopies projecting not more than six (6) feet from the principal building wall over a required rear setback, and having no supports other than provided by the wall or its integral parts; chimneys projecting not more than three (3) feet into the required rear or side setback; flagpoles having only one structural ground member; fountains; heating, ventilation and air conditioning units (including compressors and condensers) for single-family or two-family or dwellings in rear or side setbacks, provided exhaust air is directed vertically or otherwise away from the adjacent property line; mailboxes;
- 2) Open terraces, including natural plant landscaping; open patios; open, uncovered stoops, including handicap ramps; for single family or duplex uses, parking spaces for the handicapped; recreational equipment in the rear setback in residential districts;
- 3) Steps to the principal entrance and necessary landings, together with a railing no more than three (3) feet high, and extending no more than six (6) feet into the setback; not allowed to encroach side setbacks.
- 4) Trees, shrubs, flowers, hedges or other features of natural growth;
- 5) Screening Walls or Fences:
  - a) that are located in the rear setback and do not exceed six (6) feet in height, or
  - b) open fences of metal or wood rail type may be located in the front yard setback in the ER District if the front entrance is not gated. Gated entrances must provide proof of emergency access systems.

- 6) An uncovered deck that is located at least ten (10) feet from the rear property line, does not encroach on required side setbacks or public utility or drainage easements, and has a maximum deck elevation no greater than the average finished first floor elevation of the principal building as established by the front entrance; In P.U.D.'s with lots under eleven thousand (11,000) square feet, an uncovered deck must be located no closer than five (5) feet from the rear property line that abuts on a dedicated open space area and meets all other requirements above.
- 7) Satellite dishes not exceeding the dish size in diameter that can be regulated by local governments as established by FCC regulations; and, yard and service lighting fixtures and poles;
- 8) Accessory buildings that meet specific requirements of each zoning district.

**Accessory buildings**

- A. Except where prohibited, accessory buildings which are customarily incidental to the other uses permitted in this district may be placed or constructed on any parcel within a zoning district, provided that all requirements for accessory buildings as set forth in this section are met and that approval is obtained from the Town as follows:
  1. The Mayor or his designee is authorized to approve one accessory building for each lot.
  2. 

<u>Lot Size</u>	<u>Building Size</u>
Up to Three Acres	750 Square Feet
Three Acres or more	1000 Square Feet
No Accessory Building shall exceed 1000 Square Feet	
- B. An accessory dwelling or apartment shall be no larger than 750 square feet.
- C. Only one accessory building shall be allowed on each parcel, except where the size of the parcel is three or more acres in size. On parcels of three or more acres in size, additional accessory buildings may be allowed if the other requirements of this section are met and such additional accessory buildings are essential to the general farming activities conducted on the property.
- D. No accessory building shall exceed 750 square feet of floor space, except on parcels of three or more acres in size.
- E. Except for accessory buildings that are essential to the general farming activities conducted on the property, the Town may establish reasonable requirements for the installation and maintenance of landscaping improvements as a condition of approval of an accessory building in order to protect the existing character of the surrounding neighborhood. An owner of property who fails to install and maintain such landscaping improvements as may be required as a condition of approval of an accessory building shall be in violation of this district.

- F. Each accessory building on parcels of less than five acres in size shall be located within the rear yard. Each accessory building on parcels of five or more acres in size shall be located within the rear or side yard. Each accessory building shall be placed at least 10 feet away from any adjoining property line and at least ten feet away from any other building on the property. No accessory building shall be erected in any required front yard.
- G. Any accessory building on corner lots shall conform to the applicable setback for both intersecting streets.
- H. Except for accessory buildings that are essential to the general farming activities conducted on the property, no accessory building shall exceed one story with a maximum height of 20 feet.
- I. Except on parcels of five or more acres in size, no accessory building shall be designed and/or used for living quarters or sleeping quarters.
- J. Detached storm shelters shall be subject to the provisions of this section and the following additional conditions:
  - 1. Excluding required ventilation and access doors on the surface, storm shelters shall be located entirely underground and within the buildable area in the rear yard. Any such shelter shall be completely below the natural grade of the affected site, and no mounding or other alteration of the natural grade shall be permitted in accommodating the storm shelter.
  - 2. The gross floor area of a storm shelter shall not exceed 200 square feet.
  - 3. A storm shelter and the gross floor area within it shall not be counted toward the maximum number and size limitations placed on other types of permitted accessory structures.
  - 4. The construction shall comply with all applicable building and safety code provisions, including normal building permit and inspection requirements.
- K. Any person who initiates construction or installation of an accessory building without necessary approvals and permits shall be subject to all penalties set forth in the applicable building codes in addition to any penalties which may be imposed for violation of this district. The Mayor or his designee may also require the accessory building to be relocated or removed if determined to be in violation of the requirements of this district.

**2.2.5 Reserved for future use**

- 2.2.6 Commercial Services (CS)** The purpose of this district is to allow for various services needed by the town’s residents, such as shopping, dining, health care, financial services, and civic facilities within a clearly delineated area that avoids negative impacts to residential areas. Primary uses are retail, services, offices, and public/institutional.

<b><u>AREA AND LOT REQUIREMENTS-COMMERCIAL SERVICES (CS)</u></b>	
Maximum Gross density per acre	N/A
Min. Lot Area (in square feet)	25,000
Max. Lot Area (in square feet)	n/a
Min. Lot Width at Building Area (in feet)	50’
Min. Front Yard Setback (in feet)	
Fronting Arterial Road (max/min)	70’/55’
Fronting Major Collector (max/min)	65’/50’
Fronting Minor Collector (max/min)	15’/5’
Fronting Local Road	15’
Min. Side Yard Setback (in feet-interior)	5’
Min. Side Yard Set back (in feet-exterior)	15’
Min. Rear Yard Setback (in feet)	20’
Max. First Floor Area	20,000
Max. Impervious Surface Ratio (ISR)	0.80
Max. Building Height (in feet)	35’*
Minimum Green Space Required	20%

\* exceptions may be allowed for certain architectural features (clocks, towers, steeples)

**Permitted Uses:**

- Religious Institution
- Educational Facility
- Retirement Center/Nursing Home
- Funeral Home
- Recreational and Athletic Facilities
- Community Center
- Emergency Services Organization
- Governmental Civic organizations
- Professional Office
- Medical Office
- Personal Service
- Business Service
- ATM
- Financial Institution
- Upholstery/Furniture repair
- Hand Crafted Objects for sale
- Restaurant

- Fast Food restaurant w/ drive thru
- General retail
- Convenience store
- Supermarket
- Automotive Service/repair
- Gasoline sales and or service
- Hotel/motel
- Entertainment facility
- Recreation, Commercial, Indoor
- Day Care Centers
- Retail Package Liquor Stores (limited by Ordinance 13-02)

**Permitted with Conditions:**

- Recreational and athletic facilities
- Second Floor Residential District
- Veterinary office
- Light industry
- Utility facility organization
- Communication or other tower
- Car Wash
- Automotive/Vehicular Sales and Services

**Prohibited Uses:**

Any use or structure not specifically permitted by right or by conditional use is prohibited.

**DISTRICT STANDARDS**

**Design Standards** All non-residential developments shall comply with the Nolensville Design Review Manual, Appendix E, Part B, Architectural Design Standards, as well as Appendix E, Part A, Site Layout, of this zoning ordinance.

**Road Setbacks** Road setbacks shall be measured from the road right-of-way line. Road classifications are as established in the Major Thoroughfare Plan, adopted as part of the Town of Nolensville Comprehensive Plan. Road setbacks are dependent upon zoning district and the type of road (arterial, major collector, minor collector or local) which the structure will front.

**Alley/Private Road Setbacks** Alley and private road setbacks shall be measured from edge of pavement.



**Irregular Shaped Lots** Wherever a lot is of such irregular shape that the setback provisions cannot be readily applied, the Town Planner shall interpret the application of the setback provisions.

**Corner Lots** Corner lots shall be considered to have one front yard, two side yards (one exterior and one interior) and one rear yard. For the purpose of determining setbacks, the rear yard shall be the yard on the opposite side of the structure from the front elevation of the structure.

**District Standard Terms** See the definitions contained in Article 1.10 for definitions of terms contained in this article.

- 2.2.7 Office/Industrial (OI)** This district provides opportunities for office, light industrial, and warehouse uses. It is intended that these types of uses be geographically concentrated so as to minimize any potential negative impacts on adjacent uses.

<b><u>AREA &amp; LOT REGULATIONS – OFFICE/INDUSTRIAL (OI)</u></b>	
Maximum gross density per acre	N/A
Min. Lot Area (in square feet)	20,000
Max. Lot Area (in square feet)	N/A
Min. Lot Width at Building Area (in feet)	100
Min. Front Yard Setback (in feet)	
Fronting Arterial Road	75'
Fronting Major Collector	60'
Fronting Minor Collector	60'
Fronting Local Road	50'
Min. Side Yard Setback (in feet-interior)	20'
Min. Side Yard Setback (in feet-exterior)	50'
Min. Rear Yard Setback (in feet)	20'
Max. First floor area	N/A
Max. Impervious Surface Ratio (ISR)	0.75
Max. Building Height (in feet)	35*
Minimum Green Space Requirement	25%
Maximum Block Length	N/A

\* exceptions to max. building height may be allowed for certain architectural features (clocks, towers, steeples, etc.

**Permitted Uses:**

- Adult Entertainment
- Park
- Emergency Services Organization
- Governmental civic organization
- Professional Office
- Medical Office
- Personal service
- Business service
- General Retail
- Landscaping/Nursery
- ATM
- Financial institution
- Upholstery/furniture repair
- Building contractors supply
- Heavy equipment sales

- Automotive service/repair
- Gasoline sales and or service
- Light industry
- Warehousing and wholesaling
- Recreation, Commercial, Indoor
- Religious Institutions
- Day Care Centers

**Permitted with Conditions:**

- Car Wash
- Veterinary Offices and Animal Boarding Facilities

**Prohibited Uses:**

Any use or structure not specifically permitted by right or by conditional use is prohibited.

**DISTRICT STANDARDS**

**Road Setbacks** Road setbacks shall be measured from the road right-of-way line. Road classifications are as established in the Major Thoroughfare Plan, setbacks are dependent upon zoning district and the type of road (arterial, major collector, minor collector or local) which the structure will front.

**Alley/Private Road Setbacks** Alley and private road setbacks shall be measured from edge of pavement.

**Irregular Shaped Lots** Wherever a lot is of such irregular shape that the setback provisions cannot be readily applied, the Mayor or his designee shall interpret the application of the setback provisions.

**Corner Lots** Corner lots shall be considered to have one front yard, two side yards (one exterior and one interior) and one rear yard. For the purpose of determining setbacks, the rear yard shall be the yard on the opposite side of the structure from the front elevation of the structure.

**District Standard Terms** See the definitions contained in Article 1.10 for definitions of terms contained in this article.

- 2.2.8 Public Institutional (PI)** This district recognizes the necessity of public and institutional uses, and the fact that they can often be integrated into residential and other areas without having a detrimental impact. Primary uses are governmental offices, places of worship, cemeteries, recreation facilities, emergency services, schools, and civic buildings.

<b>AREA &amp; LOT REGULATIONS – PUBLIC INSTITUTIONAL (PI)</b>	
Maximum gross density per acre	N/A
Min. Lot Area (in square feet)	15,000
Max. Lot Area (in square feet)	N/A
Min. Lot Width at Building Area (in feet)	75'
Min. Front Yard Setback (in feet)	
Fronting Arterial Road	50'
Fronting Major Collector	30'
Fronting Minor Collector	30'
Fronting Local Road	30'
Min. Side Yard Setback (in feet-interior)	20'
Min. Side Yard Setback (in feet-exterior)	30'
Min. Rear Yard Setback (in feet)	20'
Max. Floor Area Ratio (FAR)	0.30
Max. Impervious Surface Ratio (ISR)	0.75
Max. Building Height (in feet)	35'*
Minimum Green Space Required	25%

\* exceptions to max. building height may be allowed for certain architectural features (clocks, towers, steeples, etc)

**Permitted Uses:**

- Religious Institution
- Educational Facility
- Retirement Center/Nursing Home
- Cemetery
- Funeral Home
- Park
- Community Center
- Charitable, Fraternal or Social Organization
- Emergency Services
- Government/Civic Services
- Day Care Centers

**Permitted with Conditions:**

- Recreational and Athletic Facility
- Auction House

- Group Home (9 or more residents)
- Utility Facility

**Prohibited Uses:**

Any use or structure not specifically permitted by right or by conditional use is prohibited.

**DISTRICT STANDARDS**

**Road Setbacks** Road setbacks shall be measured from the road right-of-way line. Road classifications are as established in the Major Thoroughfare Plan, adopted as part of the Town of Nolensville Comprehensive Plan. Road setbacks are dependent upon zoning district and the type of road (arterial, major collector, minor collector or local) which the structure will front.

**Alley/Private Road Setbacks** Alley and private road setbacks shall be measured from edge of pavement.

**Irregular Shaped Lots** Wherever a lot is of such irregular shape that the setback provisions cannot be readily applied, the Town Planner shall interpret the application of the setback provisions.

**Corner Lots** Corner lots shall be considered to have one front yard, two side yards (one exterior and one interior) and one rear yard. For the purpose of determining setbacks, the rear yard shall be the yard on the opposite side of the structure from the front elevation of the structure.

**District Standard Terms** See the definitions contained in Article 1.10 for definitions of terms contained in this Article.

**2.2.9 Historic District Overlay (HD)** It is the purpose of the Historic District Overlay to provide for the protection and enhancement of resources which represent distinctive and significant elements of Nolensville's history and identity and to insure the harmonious and orderly integration of new development with these historic resources. The regulations within the Historic District Overlay are provided for the purposes of protecting, preserving and enhancing the historic or architecturally worthy buildings, structures, sites, monuments, streetscapes, and neighborhoods of the historic areas.

**Design Standards** Design standards based upon the Secretary of the Interiors Standards for Rehabilitation shall regulate all construction and development activity within a Historic District Overlay, and standards contained within shall take precedence over the bulk standards of the base zoning district.

This mandatory overlay district recognizes the importance of historic structures and sites to the Town of Nolensville and its citizens and shall be designated as that portion of the Village (V) zone that contains the oldest part of Nolensville which lies between the New Clovercroft Road and New Rocky Fork Road right-of-way on the south to the Mill Creek Bridge area on the north end of the Village (V) zone. The overlay district preserves and protects those historical resources while regulating demolition, the exterior design of building alterations and new construction. As an overlay district, it affects design rather than land uses, which are controlled by the underlying base zoning. This overlay district is mandatory and not optional and its standards supersede those of the underlying zoning district.

The Historic District Overlay may also be applied to other zoning districts within the Town with a recommendation from the Historic Zoning Commission.

**Historic Designation** Designation of historic sites and districts shall be made by the Historic Zoning Commission. Resources considered to be historic shall be at least fifty (50) years old and shall not have been substantially altered. Applicable districts should have at least 50 percent (50%) of buildings "contributing" to the historic character of the district. Furthermore, historic designation shall be based on the following:

Their representation of distinctive and significant elements of Nolensville's historical, cultural, social, economic and architectural identity; or

Their representation of the distinctive characteristics of a type, period or method of construction or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components lack individual distinction; or

Their association with events that have made a significant contribution to the broad patterns of Nolensville's history; or

Their association with the lives of persons significant in Nolensville's past; or their likelihood to yield information important in history.

**Design Review** The Historic Zoning Commission shall review all applications that affect historic sites or districts using the following standards which are based upon the Secretary of the Interior's Standards for Rehabilitation (developed by the National Park Service) listed below:

- A. Whenever possible, a property should be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the buildings and its site and environment.
- B. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
- C. Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
- D. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
- E. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
- F. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.
- G. Chemical or physical treatments, such as sandblasting, that cause damage to historical materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
- H. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
- I. New additions, exterior alterations or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old, and shall be compatible with the massing, size, scale and architectural features to protect the historic integrity of the property and its environment. New additions and adjacent or related new construction shall be undertaken in such a manner, that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

**Certificate of Appropriateness** No exterior feature of any designated historic resource shall be added to, altered, repaired, relocated or demolished until an application for a Certificate of Appropriateness of such work has been approved by the Historic Zoning Commission. In addition, no new construction, additions, alterations, repairs, exterior painting, relocations or demolitions shall occur in an historic overlay district until a Certificate of Appropriateness of such work has been approved by the Historic Zoning

Commission. A Certificate of Appropriateness is a prerequisite for a building permit except in the case of interior structure modifications. In evaluating a Certificate of Appropriateness application, the Commission shall make the following determinations with respect to the historic buildings and sites and historic overlay districts:

- A. The appropriateness of the exterior architectural design and features of, and appurtenances related to, any new structure or improvement.
- B. The appropriateness of the exterior architectural design features of any addition to the existing structure.
- C. The appropriateness of exterior alterations and repairs to an existing structure.
- D. The appropriateness of exterior painting on previously unpainted surfaces.
- E. The appropriateness of exterior paint colors on previously painted surfaces.
- F. The appropriateness of new infill development within an historic overlay district.
- G. The appropriateness of land subdivision within an historic overlay district.
- H. The appropriateness of relocating any building out of, into, or within the boundaries of an historic overlay district.
- I. The appropriateness of demolishing any structure or other improvement. As a condition of any permission to demolish a structure or other improvement, the Historic Zoning Commission may require historical documentation in the manner of interior and exterior photographs, architectural measured drawings of the exterior, or other notations of architectural features.
- J. The appropriateness of adding or removing trees or other significant vegetation on any designated historic site or within an historic overlay district.
- K. The Historic Zoning Commission may take into consideration the historical or architectural significance of the subject structure or improvement, and the impact of the proposed undertaking on the historic character and integrity of the district as a whole.

**Determination of Economic Hardship** When a claim of economic unreasonable hardship is made due to the effect of this ordinance, the property owner must present evidence sufficient to prove that, as a result of the Historic Zoning Commission's action, he is unable to obtain a reasonable return or a reasonable beneficial use. In reviewing an application, the Historic Zoning Commission may consider economic hardship based on the following information:

- A. An estimated cost of demolition and any other proposed redevelopment as compared to the estimated cost of compliance with the determination of the Historic Zoning Commission.
- B. A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of the subject structure or improvement and its suitability for rehabilitation.
- C. The estimated market value of the property in its current condition; its estimated market value after the proposed undertaking; and its estimated value after compliance with the determinations of the Historic Zoning Commission.
- D. An estimate from an architect, developer, real estate consultant, appraiser, or



- other real estate professional experienced in rehabilitation as to the economic feasibility or rehabilitation or re-use of the existing structure.
- E. Amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer.
  - F. If the property is income-producing, the annual gross income from the property for the previous two (2) years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period.
  - G. Any other information considered necessary by the commission to a determination as to whether the property does yield or may yield a reasonable return to the owners.

**Buffer Yard Required** Development on property adjacent to a designated historically significant site or district must provide the Standard B Buffer Yard along any adjacent property lines. This requirement is waived on property immediately south of the Nolensville Cemetery due to the fact that the Nolensville Cemetery suffices as a natural buffer.

### **2.2.10 Planned Unit Development Overlay (PUD)**

**Purpose** The Town may, upon proper application, approve a planned unit development for a site of at least five (5) acres to facilitate the use of flexible techniques of land development and site design, by providing relief from zone requirements designed for conventional developments in order to obtain one or more of the following objectives.

- Environmental design in the development of land that is of higher quality than is possible under the regulations otherwise applicable to the property.
- Efficient and effective traffic circulation, both within and adjacent to the development site.
- Diversification in the use permitted and variation in the relationship of uses, structures, open space, and height of structures in developments intended as cohesive, unified projects.
- Functional and beneficial uses of open space
- Preservation of natural features of a site.
- Creation of a safe and desirable living environment for residential areas characterized by a unified building and site development program.
- Creation of a variety of housing compatible with the surrounding area that provides a greater choice of types of units.

### **Relationship Between Planned Unit Development and the Underlying Zoning Districts**

- A. Planned Unit Developments (PUD) are allowed in all zoning districts except Village, Village Fringe, and Urban Residential district.
- B. Planned Unit Development may be constructed subject to the standards and procedures as outlined below.

#### **1. Steps in the Approval Process**

- a. The applicant may request a preapplication conference with the town staff to evaluate the proposal and to determine or clarify any issues that may arise.
- b. The applicant shall submit a concept plan and rezoning request if applicable to the town for the Planning Commission's consideration along with any required fees.
- c. The Planning Commission may approve or reject the concept plan or rezoning request. If approved, the Planning Commission shall recommend approval of the plan and any rezoning to the Board of Mayor and Aldermen. If rejected by the Planning Commission, the applicant may appeal the decision to the Board of Mayor and Aldermen.
- d. The Board of Mayor and Aldermen may approve, approve with conditions or reject the request. If rejected, a similar application

- shall not be resubmitted for a period of one (1) year.
- e. After approval of the concept plan, the applicant shall submit a final plan for the Planning Commission's consideration. A landscape plan shall be jointly prepared by a licensed landscape architect and a licensed civil engineer. A stamped drawing or plan shall be submitted with a final plan. If any part of the PUD is to be subdivided, a preliminary subdivision plan shall also be submitted. Both documents may be considered simultaneously. Approval of the final plan shall form the basis for all permits, variances and standards for the PUD.
  - f. Prior to the sale or transfer of any property, the applicant shall submit, have approved and record a final subdivision plan.

2. **Application for Approval of the Concept Plan** The application for approval of a concept plan shall be made by the landowner of the affected property or the authorized agent, including parties with an identified legal position in the property, and shall consist of the following:

- a. The concept plan for the PUD shall be a general plan that shall include the following:
  - (1) The location and size of the land area involved;
  - (2) Transportation facilities, including streets, driveways, alleys, and off-streets;
  - (3) Sidewalks, bikeways, and pedestrian ways;
  - (4) The relationship of the PUD to the adjoining transportation system and to other properties within 200 feet if the boundaries of the land are of the PUD;
  - (5) Location and approximate dimension of structures including approximate height, bulk and appearance and the use of all structures;
  - (6) Estimated population and density and extent of the activities to be allocated to individual parts of the PUD;
  - (7) Location of any proposed public uses including schools and parks and any common open space;
  - (8) Major landscape features includes floodplains, slopes in excess of fifteen percent (15%), other features that may affect the development and topography at no less than five (5) foot intervals;
  - (9) Letters of availability from the appropriate water and sewer provider;
  - (10). If the PUD is to be done in phases, such phase line shall be indicated;
  - (11) The general means of providing utilities and disposing of storm water, and;
  - (12) North arrow, graphic scale and general location map showing area streets and major waterways.

- b. A tabulation of the land area to be devoted to various uses and activities and overall densities as well as densities of any segment of different housing types.
  - c. The nature of the applicant's interest in the land and written concurrence from all parties having a beneficial interest in the affected property.
  - d. The general substance of covenants, restrictions and grants of easements to be imposed upon the land, building and other structures including public utility and drainage easements.
  - e. A development schedule, setting forth when the developer/landowner intends to commence construction and an estimated completion period.
  - f. A general summary explaining the character, intent and qualities of the PUD and the manner in which the proposal complements or is consistent with local goals and plans.
3. **Application for Approval of the Final PUD Plan** After approval of the concept plan and any requested rezoning, the applicant shall apply for the final PUD plan approval. Failure to apply for approval of a final plan within one (1) year of approval of the concept plan shall result in the expiration of such approval. The concept plan or an amended plan may be re-submitted.
- a. The application for a final PUD plan shall include all aspects of the concept plan application, the proposed final PUD plan, other required drawings, specifications, covenants, easements, and conditions and any bonds that may have been required by the Planning Commission or the Board of Mayor and Aldermen. Copies of all legal documents required for the dedication or reservation of common open space or common elements and for the creation of a non-profit property owners association shall also be submitted. Prior to the signing of the final plat, the property owners association shall be officially established, and all properties covered by the plat and the final PUD plan shall be legally a part of the association.
  - b. The final PUD plan of a planned unit development, or as submitted in phases if so authorized, shall be substantially consistent with the approved concept plan and shall show the following:
    - (1) Detailed building plans showing front, side and rear elevations including materials to be used and the percentage of each material used on each elevation;
    - (2) Detailed landscaping plans which shall include trees, shrubs and flowering plants with species, quantities and sizes clearly indicated;
    - (3) Location of all utilities and drainage facilities with drainage calculations;

- (4) Details and locations of all signs and entrance features;
  - (5) Detailed plans for street and parking improvements;
  - (6) Grading plans showing existing and proposed topography with contour intervals at no more than two (2) feet;
  - (7) Additional information as determined by the Planning Commission to indicate fully the ultimate character, operation and appearance of the PUD.
- 4. **Amendments to the PUD** The terms, conditions and the final PUD plan may be amended but only by official action of the Planning Commission. Any such information must remain in compliance with all applicable zoning regulations. The amendment may be approved so long as the original intent of the PUD is not abrogated and the amendment does not in any way damage any part of the PUD nor any adjoining properties.
- 5. **Combination of Separate Types of Planned Unit Developments** The planning commission and the board of mayor and aldermen may consider separate types of planned unit developments (residential and commercial) within a single master plan as a single administrative procedure as an overlay over the base residential zones provided the total tract is in single ownership as defined and the land area and location are sufficient to meet the separate type requirements.
- 6. **Cancellation of an Approved Planned Unit Development** In the event actual construction has not commenced within one (1) year after the date of approval of the planned unit development, the planning commission shall conduct a hearing on the project. Official notice of the hearing shall be given to all parties of interest. The hearing shall be for the purpose of examining the continued feasibility of the project and may allow for testimony to support or refute the continuation of such project. The planning commission may act to extend approval of the final planned unit development plan or may act to cancel said approval.

In the event the approval of the plan is cancelled, the planning commission shall transfer such action to the attention of the mayor and board of aldermen for action to remove the planned unit development overlay zone. After action by the mayor and board of aldermen to remove the overlay, the master plan shall be void and have no effect. The base zone district shall remain in effect.

**General Standards** Upon recommendation of the Planning Commission, the Board of Mayor and Aldermen; may approve, approve with conditions or disapprove a request for a Planned Unit Development. Any recommendation shall include a finding of fact by the Planning Commission that the proposed PUD is consistent or inconsistent with the following standards and criteria:

- A. An approved water supplier and wastewater treatment and disposal facility have acknowledged in writing that facilities are available and adequate to serve the proposed development. Storm water drainage facilities shall also be required to be provided by the developer.
- B. The location, and arrangement of the structures, parking areas, walks, lighting and other facilities shall be compatible with the surrounding land uses and any part of the proposed project that is not used for development shall be designated as open space and meet the design and preservation standards for open space and specific standards and criteria for Planned Residential Developments set forth below.
- C. The proposed development as presented in a phased plan, can be constructed in a manner that will not injure or damage the use, value and enjoyment of surrounding properties nor hinder the development of adjacent property in accordance with the development policies and plans of the Town.
- D. Any modification of the zoning or other regulations that would be otherwise applicable to the proposed development and are warranted based on the concept plan may be permitted, however, no modification may be permitted that would harm the public health, safety and welfare of the citizens of the Town.
- E. A property owners association shall be required to be formulated and be held responsible for the maintenance and compliance of the open spaces areas and facilities.

### **Specific Standards and Criteria for Planned Residential Developments**

In addition to the standards and criteria set forth above, planned residential developments shall comply with the standards and criteria set forth hereinafter:

**Design and Preservation of Open Space** Open space shall be provided as common open space as a condition of an approval of a planned unit development. No open space may be designated as common open space under the provisions of this section unless it meets the following standards:

- 1. The common open space must be substantial, functional, accessible, permanent and usable for recreational purposes or must provide visual, aesthetic or environmental amenities as determined by the Planning Commission.
- 2. Any use authorized must be appropriate to the scale and character of the planned residential community and must be compatible with the Town's comprehensive plan, land use policies, and the surrounding land uses near the development.
- 3. Common open space containing natural features worthy of preservation should be left undisturbed. Due consideration shall be given to topography, trees, ground

- cover, natural bodies of water and other significant features, including archeological, historical, scenic and cultural features of the area. Information on natural features of the site shall be provided in the preliminary review stage and concept plan application.
4. The designated open space shall have access to a public right-of-way via a walkway and should link pedestrian and/or cycling trails throughout the development and with adjacent pathways/trails.
  5. Whenever appropriate, the open space shall be bound by public roads and occur in standard geometric shapes (squares, rectangles, circles, ovals) in an effort to replicate traditional town greens, which serve as a focal point for adjacent lots; or, the space may be provided in the interior of the development behind lots if the amount is considered substantial and if adequate access is planned to this area throughout the development.
  6. None of the credited open space may consist of, wetlands, or slopes exceeding 25%. No more than 50% of the credited open space may consist of 100 year floodplains. If the subdivision is developed in phases or sections, all dedicated open space must be identified during the initial phase or section. Landscaped medians within roadways may be counted toward this requirement, but shall not account for more than 25% of the required open space. However, landscaped cul-de-sac islands, which are a requirement of the Subdivision Regulations, shall not be credited toward this open space requirement.
  7. If the dedicated open space is wooded, it shall remain in its natural state to the maximum extent possible. The development of nature trails is encouraged for wooded open spaces.
  8. Open space areas should be connected and contiguous as much as possible in the development to provide benefits to all residents of the development, and when possible, connect with adjacent open space areas of adjacent developments.
  9. Any buildings, structures and improvements proposed to be located in the common open space must be appropriate for the uses proposed and must enhance the community with amenities related to recreation, topography or environmental concerns. In addition, these improvements must be located to benefit all of the residents of the planned unit development.
  10. The minimum amount of open space to be conveyed as common open space shall be thirty percent (30%) of the gross area of the tract proposed as a residential planned unit development. The planning commission may require additional open space based on existing site conditions.
  11. The common open space shall be maintained in a uniform manner with preservation of natural features a priority.
  12. If a planned unit development is to be built in phases, any proposed improvements within the common open space must be developed to ensure that each phase of the development shall have the benefits of the common open space facilities. Each phase of the project shall be required to plat the proper portion of the open space consistent with the percentage of the land areas being platted for lot sales and to maintain the approved density.

The design of the required open space must meet Planning Commission approval to assure that the proposed open space counts toward satisfying these requirements. The Planning Commission and BOMA shall make a determination on whether the PUD plan substantially meets the design criteria and standards above.

**Accessibility of Site** All proposed streets and driveway shall be adequate to serve the anticipated traffic needs of the planned development and should be consistent with the Major Thoroughfare Plan as adopted by the Town. Both vehicular and pedestrian traffic, including bikeways, shall be considered in development the plan for the development.

**Off-Street Parking** adequate off street parking shall be provided adjacent to any facilities located in a common space. All parking shall be screened from the public right of way through the use of landscaping.

**Pedestrian Circulation** An overall pedestrian circulation system shall be required to be included as a part of the conceptual plan and shall be separated from the vehicular street system to the greatest extent possible.

**Density of Development and Lot Size** The maximum standard base zone density shall be one and eight-tenths (1.8) units/acre for residential PUDs in the SR base zone (low-medium density) and one and four-tenths (1.4) units/acre for residential PUDs in the proposed new SR1 base zone (low density). The overall average lot size of the detached units must be 14,000 square feet. A residential PUD should offer a variety of lot sizes and offer a greater choice of housing types. In order to achieve that objective, the development should contain lots that are larger than 14,000 square feet and may be allowed by the Town to include lots smaller than 14,000 square feet. Lots 20,000 square feet and above may be required on the perimeter of the development in order to fit in with neighboring residences and should require the provision of sufficient landscape buffering such as berms and plantings between major roadways. Abutting lots in the first tier of the new development shall have equal size lots or larger as those in adjoining recorded subdivision or an equivalent amount of common open space located between the 1st tier of lots in the planned unit developments and the existing subdivision. Attached housing units are prohibited in residential PUDs in the SR and SR1 zoning districts.

**Permitted Uses:**

- Single-Family Detached Homes
- Accessory Home Day Care
- Parks



**Permitted with Conditions:**

- Home occupations
- Day Care Home
- Day Care Centers
- Utility Facilities

**Prohibited Uses:**

Any use not permitted above by right or conditional use shall be prohibited.

**Specific Standards and Criteria for Planned Commercial Developments**

The Planning Commission may approve, approve with conditions, or disapprove a master plan for the overall development of a tract of land with a minimum of five acres in size that includes a planned commercial development. Any acreage designated for commercial will be deducted from the overall density calculations. Such commercial facilities with a residential component shall be designated to complement the residential portion of the plan and shall be limited in size and scope of uses by the Planning Commission and the Board of Mayor and Aldermen. The Town may allow a commercial PUD development without a residential element for developments of a unique or special nature that will be beneficial to the community such as a private resort type project that may include lodging, restaurants, and similar uses as determined by the Planning Commission and the Board of Aldermen when the a proposed project is based upon a master plan designed for the entire property being considered. Such developments must comply with the Nolensville Design Review Standards, Appendix E, Part B, Architectural Design Standards, and other site design standards set forth in Appendix E, Parts A and C, when practical. Landscaping and screening buffers shall be a consideration in the approval of the development. Adequate frontage on a public street shall be required. In the event that individual lots are created for sale or lease that are internal to the planned unit development, each such lot shall be guaranteed access from either a public street or a private street and use and access agreements.

The following standards shall apply:

The permitted commercial uses shall be approved by the Planning Commission and Board of Aldermen as to the appropriateness to the development and to how it serves the proposed neighborhood and the community as a whole.

The Planning Commission and Board of Aldermen shall determine the area and lot requirements for the Planned Commercial Development section of the overall PUD. No minimum lot size is required for commercial. All lots, structural locations, and setbacks shall be established by approval of the final plan and will include floor area ratio, building size and footprint, maximum height, and maximum Impervious Surface Ratio (ISR). The Planning Commission and Board of Aldermen shall base approvals or disapprovals of these items on how the commercial plan will function and benefit the overall Planned Unit Development as well as the community.

**2.2.11 Flood Plain Overlay Zone (FP)**

Previous Flood Plain regulations have been removed from the Zoning Ordinance and re-established as a separate ordinance numbered #08-10.

### **2.2.12 Commercial Corridor Overlay District (CCO)**

**Purpose** This district is intended to establish a highway corridor with an identifiable consistent design based upon a planned approach to commercial development. The design features and standards included in this district are not only to create a memorable and positive impression upon entering the Town of Nolensville, but also to establish an image and character that is uniquely Nolensville and is compatible with surrounding development.

**Application** The standards of the CCO shall be applied to those parcels and lots within the commercial base zoning districts as indicated as being within the CCO on the official zoning map and shall supersede any requirements that are in conflict herewith.

**Use Provisions** In addition to the permitted uses of the zone districts, residential uses are permitted in the second or third stories of buildings with a commercial use on the first floor. The following uses that may be otherwise permitted by the base zone are prohibited:

- Automotive Repair
- Auto, Truck and Boat Sales
- Truck Washing Facilities
- Industrial Activities
- Outdoor Storage of Materials or Chattel
- Warehousing and Storage
- Wholesale Sales

Provided however, a car wash may be permitted but only in the rear of the principal building.

<b><u>Area and Lot Requirements</u></b>	
Minimum Lot Area (in square feet)	20,000
Minimum Street Frontage	100'
Minimum Front Setback Arterial	56'
Other Frontage Follow CS	
Minimum Side Setback	15'
Minimum Rear Setback	20'
Maximum Lot Coverage	50%
Maximum Floor Area Ratio	1.0
Maximum Height	35'

**Parking Lot Design** A maximum of two (2) rows of parking including maneuvering aisles shall be permitted in the front of the building between the front wall and the street right-of-way. All other parking shall be located in the rear of the principal building. The parking requirements of any use may be reduced by a proportional number of spaces if

such spaces are permanently available in either shared or public parking lots located within two hundred fifty (250) feet of the affected lot.

The planning commission may require the use of common driveways providing access to more than one (1) lot. Connections between parking lots on adjacent parcels shall be provided in order to facilitate the ability of users to pass between the various developed lots without returning to the public street.

**Site Planning** Site layout planning shall comply with Appendix E, Nolensville Design Review Manual, Part A, in addition to the following standards. Buildings shall be located on a lot to abut the front setback line, with the exception of recessed entryways, and directly face the street. Pedestrians shall have direct access to first floor uses from the street. When a development includes multiple buildings on a single lot, only the building that faces the public street shall meet these requirements. All other buildings may be located and designed in accordance with all other requirements of this section and to complement the development. A private street or access driveway may be treated as a public street for purposes of this section.

On corner lots, front setback and building requirements should apply on both frontages, with either public or private streets. However, the corner of the building shall be recessed up to a maximum of ten (10) feet in order to create:

- 1) pedestrian entrances with plazas or prominent entrances;
- 2) increased site distances;
- 3) enhanced designs for the entrance; and
- 4) more architecturally-interesting buildings.

A public street or private driveway reservation shall be established at distances along Nolensville Road between 1,000 and 1,500 feet with a minimum right-of-way for a public street being fifty (50) feet and a private driveway being a width of thirty-six (36) feet. This is to guarantee access to the rear of the row of buildings and to other properties. The potential for the need for a public street shall determine the right-of-way to be reserved. The planning commission may waive this requirement in the event that no such access can be provided due to natural factors or that layout and design of individual parcels are such that access would serve no useful function.

**Building Facades** All building facades shall comply with Appendix E, Nolensville Design Review Manual, Part B, in addition to the following standards. Applicants must meet certain architectural design principles and provide a statement of architectural compatibility. Building facades shall be designed with windows, doors, walls and other elements that proportionately fit together and are humanly scaled. Recessed doorways should be used, and where the door is not recessed, door canopies or awnings should be incorporated into the design.

National “standard” or trademark designs shall be adapted to be compatible with these standards.

**Materials and Colors** The use of high-intensity or metallic colors shall be prohibited except for accents. Colors shall not be used as a form of advertising even though such color may be a trademark. Colors of exterior door and window framings and accessories such as benches, lighting fixtures, shall be of dark, coordinated colors such as black or dark bronze.

**Signs** All signs shall be subject to the requirements of the sign regulations contained in Appendix A of this ordinance.

**Landscaping** The requirements of Appendix B, Landscaping, Buffering and Tree Protection, shall apply within the CCO. Additionally, the street trees shall be planted within the landscape strip between the sidewalk and the street. Any area reserved for future right-of-way acquisition shall be planted with grass.

Flowers in planters and window boxes shall be used to enhance the appearance of the walls that face a public street or a residential use. Planting strips shall be required between the building and the sidewalk closest to the building front with a minimum area of two (2) feet times (x) the linear frontage of the building in various sections that are appropriate with the building façade plans approved by the Design review Committee.

The maintenance of all landscaping materials and flowers shall be the responsibility of the property owner, and such maintenance shall be an enforceable item.

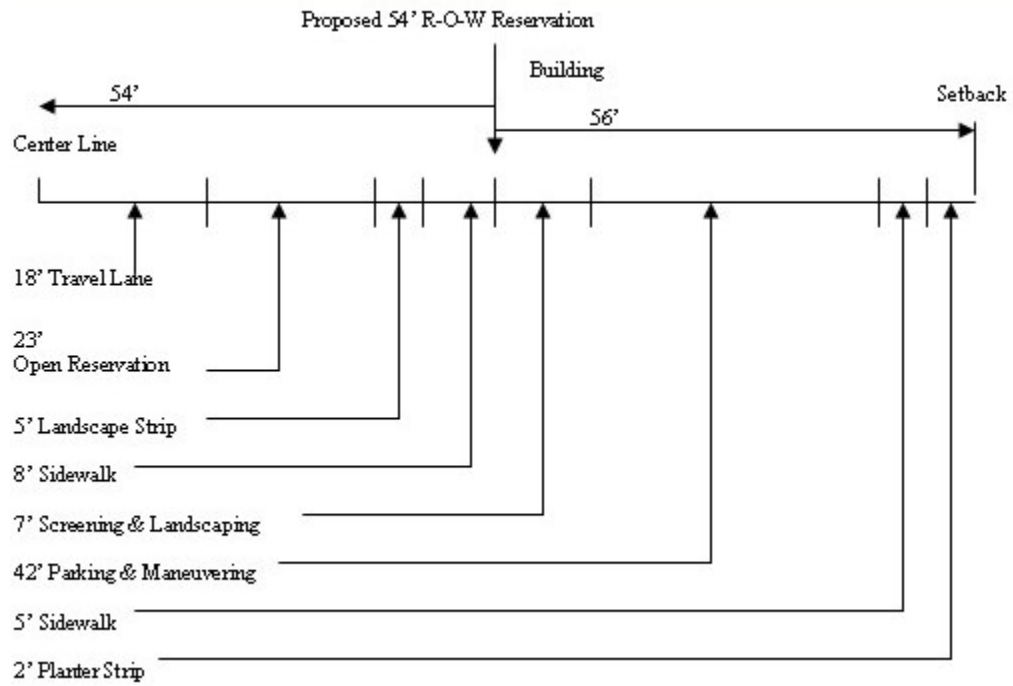
**Lighting** Exterior lighting fixtures, standards and exposed accessory lighting shall be compatible with the building design with colors that match building framings and accessories such as benches, etc., and shall be designed to direct the light downward unless decorative standards are utilized. However, “shoe box” type fixtures may be used. The maximum height of a fixture shall be twenty (20) feet.

**Utilities** All new distribution utility lines shall be underground.

**Sidewalks** The development of each site shall include a sidewalk along the street frontage with a minimum width of eight (8) feet. Other sidewalks shall be constructed on the subject property between buildings and parking lots with a minimum width of five (5) feet. When a development consists of more than one (1) building, an interconnecting sidewalk system shall be installed.

**Nolensville Road Cross-Section** Due to the fact that Nolensville Road is likely to be widened during the next five to ten years and to avoid major impacts on developed properties, consideration shall be made for such widening in the siting of buildings and parking lots. A future right-of-way reservation shall be made a part of all site plans measured from the centerline of Nolensville Road. Any reservations made on private property shall be subject to acquisition at the time right-of-way is acquired for the project. The cross-section below provides a diagrammatic view of the distances required for reservations, sidewalks, landscaping and parking.

Nolensville Road Corridor Cross-Section Plan



### **2.2.13 Commercial Regional (CR)**

The purpose of this district is to allow for larger-scale, heavy retail commercial uses to serve the town and the general area and that are better suited near a major arterial. Primary uses are large retail, accompanied by smaller retail, services, offices, and similar uses, etc., as out-parcels or part of planned commercial centers. Access control is emphasized because of high traffic generation created by these uses.

#### **Permitted Uses:**

- Home improvement store
- Restaurants, grills, cafes, coffee houses and similar eating establishments
- Shopping Center
- Convenience store
- Supermarket
- Bakeries (retail)
- General retail
- Fast Food restaurant w/ drive through
- Gasoline sales and or service as part of convenience store
- Liquor store (if authorized under Town and State laws)
- Theater/Entertainment Facility
- Professional Office
- Drug Stores
- Medical Office
- Personal Service
- Business Service
- Financial Institution/ATM
- Recreation, Commercial, Indoor
- Day Care Centers
- Retail Package Liquor Stores (limited by Ordinance 13-02)

#### **Permitted with Conditions:**

- Automotive/Vehicular Sales
- Veterinary office
- Communication or other tower
- Religious Institution
- Educational Facility
- Retirement Center/Nursing Home
- Funeral Home
- Recreational and Athletic Facilities
- Community Center



**Prohibited Uses:**

Any use or structure not specifically permitted by right or by conditional use is prohibited. Adult bookstores/entertainment and nightclubs are specifically prohibited.

<b><u>Site Regulations</u></b>	
Min. Lot Area (in square feet)	25,000
Max. Lot Area (in square feet)	n/a
Min. Street Frontage	100'
Min Front Yard Setback	
Fronting Arterial Road	70'
Fronting Major Collector	65'
Fronting Minor Collector	20'
Fronting Local Road	20'
Min. Side Yard Setback	20'*
Min. Rear Yard Setback (in feet)	25'
Maximum Floor Area Ratio (FAR)	0.60
Max. Impervious Surface Ratio (ISR)	0.80
Max. Building Height (in feet)	35'***
Minimum Green Space Required	20%

\*50' when abutting residential districts

\*\*\*exceptions may be allowed for certain architectural features (clocks, towers, steeples)

**Road Reservation** Due to the fact that Nolensville Road is likely to be widened during the next five (5) to ten (10) years and to avoid major impacts on developed properties, consideration shall be made for such widening in the siting of buildings and parking lots. A future right-of-way reservation of fifty-four (54) feet shall be made a part of all site plans measured from the centerline of Nolensville Road. Any reservations made on private property shall be subject to acquisition at the time right-of-way is acquired for the project.

**Road Setbacks** Road setbacks shall be measured from the road right-of-way line. Road classifications are as established in the Major Thoroughfare Plan, adopted as part of the Town of Nolensville Comprehensive Plan. Road setbacks are dependent upon zoning district and the type of road (arterial, major collector, minor collector or local) which the structure will front.

**Alley/Private Road Setbacks** Alley and private road setbacks shall be measured from edge of pavement.

**Irregular Shaped Lots** Wherever a lot is of such irregular shape that the setback provisions cannot be readily applied, the Town Planner shall interpret the application of the setback provisions.

**Corner Lots** Corner lots shall be considered to have one (1) front yard, two (2) side yards (one [1] exterior and one [1] interior) and one (1) rear yard. For the purpose of determining setbacks, the rear yard shall be the yard on the opposite side of the structure from the front elevation of the structure.

## **SITE DESIGN STANDARDS:**

### **Site Planning**

Site layout planning shall comply with Appendix E, Nolensville Design Review Manual, Part A, in addition to the following standards. The planning commission may require the use of common driveways providing access to more than one (1) lot. Connections between parking lots on adjacent parcels shall be provided in order to facilitate the ability of users to pass between the various developed lots without returning to the public street.

A public street or private driveway reservation shall be established at distances along Nolensville Road between one thousand (1,000) and one thousand five hundred (1,500) feet with a minimum right-of-way for a public street being fifty (50) feet and a private driveway being a width of thirty-six (36) feet. This is to guarantee access to the rear of the row of buildings and to other properties. The potential for the need for a public street shall determine the right-of-way to be reserved. The planning commission may waive this requirement in the event that no such access can be provided due to natural factors or that layout and design of individual parcels are such that access would serve no useful function.

A traffic impact study shall be required for any building or development complex that contains more than fifty-thousand (50,000) square feet of floor space or in other developments that in the opinion of the Town Engineer a study is warranted. Developments must not lessen the level of service on adjacent roads. Impact mitigation adjustments may be required by the Planning Commission.

**Building Facades** All building facades shall comply with Appendix E, Nolensville Design Review Manual, Part B, in addition to the following standards. Applicants must meet certain architectural design principles and provide a statement of architectural compatibility. All exterior building elevations that face public streets and/or customer parking areas shall be designed so that there are no large expanses of blank walls. Building facades shall be designed with windows, doors, walls and other elements that proportionately fit together and are humanly scaled.

National “standard” or trademark designs shall be adapted to be compatible with these standards.

**Materials and Colors** shall comply with Appendix E, Nolensville Design Review Manual, Part B.

The use of high-intensity or metallic colors shall be prohibited except for accents. Colors shall not be used as a form of advertising even though such color may be a trademark. Colors of exterior door and window framings and accessories such as benches, lighting fixtures, shall be of dark, coordinated colors such as black or dark bronze.

**Signs** All signs shall be subject to the requirements of the sign regulations contained in Appendix A of this ordinance.

**Landscaping** The requirements of Appendix B, Landscaping, Buffering and Tree Protection, shall apply within the CR district. Noise buffering of delivery and loading areas shall also be required when abutting residential districts. Any area reserved for future right-of-way acquisition shall be planted with grass. A nineteen (19) feet screening/landscaping section with special design techniques shall be required between the sidewalk (preferable curvilinear design) along r-o-w and the parking area. Design methods such as berms, stone fencing, curvilinear sidewalks and other comparable methods shall be used to make this area attractive and interesting.

Planting strips shall be required between the building and the sidewalk closest to the building front with a minimum area of four (4) feet times (x) the linear frontage of the building in various sections that are appropriate with the building façade plans approved by the Design Review Committee.

The maintenance of all landscaping materials and flowers shall be the responsibility of the property owner, and such maintenance shall be an enforceable item for as long as the life of the project.

**Lighting** Exterior lighting fixtures, standards and exposed accessory lighting shall be compatible with the building design with colors that match building framings and accessories such as benches, etc., and shall be designed to direct the light downward unless decorative standards are utilized.

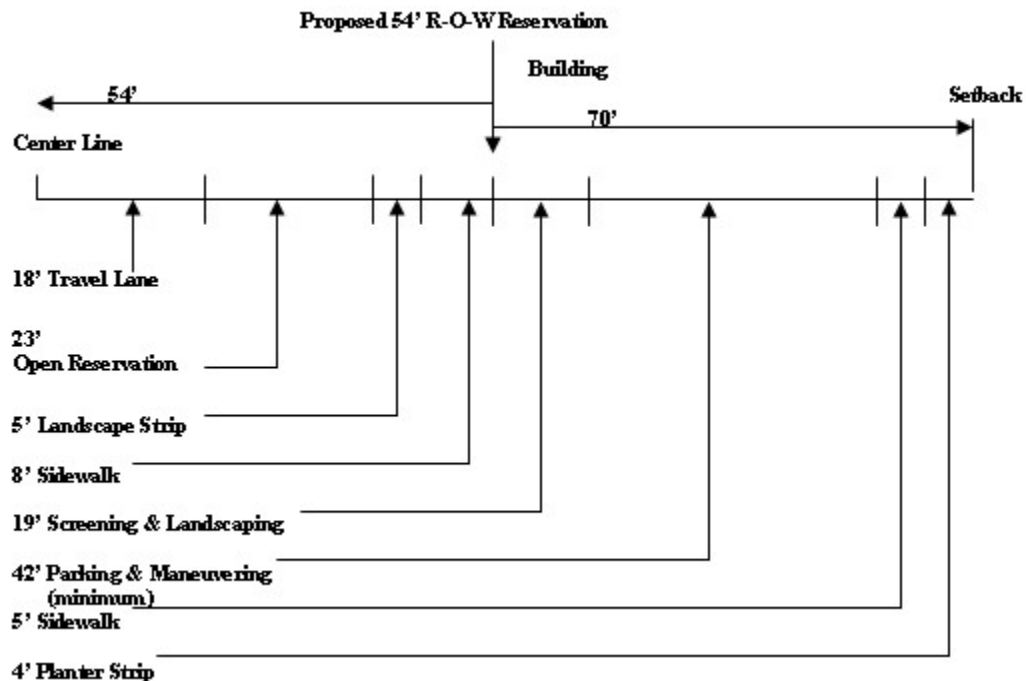
**Utilities** All new distribution utility lines shall be underground.

**Sidewalks** The development of each site shall include a sidewalk along the street frontage and landscaping strip with a minimum width of eight (8) feet. Sidewalks shall be designed to lead from and between the parking bays to the building entrance as much as possible and a minimum five (5) feet sidewalk with a four (4) feet planting strip (see above landscaping) shall be required along front of building. When a development consists of more than one (1) building, an interconnecting sidewalk system shall be installed.

**Parking** The intent of this section is to avoid excessive expanses of paved parking that are not needed and that cause excessive stormwater run-off. For general retail use buildings larger than fifty-thousand (50,000) square feet, parking shall be provided at the rate of one stall per three hundred (300) square feet. The Planning Commission shall have the authority to adjust this rate, up or down, upon review of sufficient evidence from the developer that this rate is either inadequate or excessive for the proposed use. All surface parking spaces provided in excess of thirty percent (30%) over the minimum requirement shall be made of pervious materials approved by the Town Engineer for the entire overflow area. The Planning Commission shall only approve such additional spaces for overflow events, seasonal demands, and so forth, based upon the reasonableness of the request.

**Open Yards** Open areas for the sale, rental and/or storage of materials or equipment shall not be allowed unless the entire area is screened from the street and adjoining properties by a suitable fence or wall at least six (6) feet in height above finished grade and only if they are extensions of the sales floor into which patrons are allowed free access. Such fence or wall must provide a reasonable visual separation between the use and public streets and adjoining properties.

**Nolensville Road Corridor Cross-Section Plan  
Commercial Regional District (facing major arterial)**



#### **2.2.14 Annexation Buffer Overlay District (ABO)**

Upon annexation of any property within one-half (1/2) mile of the boundary separating the urban growth boundaries of the City of Brentwood and the Town of Nolensville, an Annexation Buffer Overlay District (ABO) shall be applied. The following restrictions and limitations shall apply to any new development, in addition to all other restrictions and limitations that may apply:

- A. Development shall be limited to detached single family residences. Permitted with Conditions: Churches and other religious facilities and associated uses; schools and related facilities; and parks and recreation uses.
- B. Newly created residential subdivisions on tracts less than fifteen (15) acres shall have a minimum overall density of one (1) single family detached unit per acre.
- C. Planned residential subdivisions on tracts greater than fifteen (15) acres shall be limited to detached single family residences having a minimum lot size of twenty-thousand (20,000) square feet, with the overall density for the development not to exceed one and four-tenths (1.4) detached units per acre.
- D. The minimum required lot area, building setbacks, green space provisions and maximum height for any service-institution uses shall incorporate the following minimum technical and development standards:

<b>Use</b>	<b>Lot Area</b>	<b>Setbacks</b>	<b>Green Space</b>	<b>Height</b>
Church/Religious	5 acres	Front – 125 ft. Side – 75ft Rear – 75ft Side on corner 125 ft	30%	Front-2 stories Rear-3 stories with basement 2 stories without basement
School	20 acres	Same as above	30%	Same as above
Parks & Recreation Uses	3 acres	Same as above	30%	Same as above

### **2.3.0 USES PERMITTED WITH CONDITIONS (PC)**

Subject to Board of Zoning Appeals approval.

The land use development standards in this Article apply to uses permitted with conditions. Uses permitted with conditions require approval by the Board of Zoning Appeals that the use satisfies each of the specific conditions of this Article.

#### **2.3.1 Accessory Dwelling/Apartment**

- A. Only one (1) accessory dwelling or apartment is permitted on any given lot.
- B. The accessory dwelling or apartment must comply with all setback requirements for the principal building for the zoning district in which it is located.
- C. If the accessory unit is not attached to the primary dwelling, it must be separated a minimum of ten (10) feet from the primary dwelling.
- D. The accessory dwelling or apartment shall be no larger than 600 square feet in the SR and V districts and no larger than one thousand (1,000) square feet in the ER district.
- E. The accessory dwelling or apartment must meet all building codes requirements for an occupied structure.
- F. A minimum of one parking space shall be provided on-site to serve the accessory dwelling or apartment unit.
- G. Attached accessory units may not have their primary entrance visible, as viewed from the adjacent streets, when the main entrance of the primary dwelling is visible from the same street.

**2.3.2 Mobile Home Dwelling** When fire or natural disaster has rendered a single-family residence located in the ER zone district unfit for human habitation, or when a property owner desires to live in temporary housing on his property located in the ER zone district while his home is being built, the temporary use of a mobile home located on the single-family lot during rehabilitation of the original residence, or construction of a new residence, is permitted subject to the following additional regulations:

- A. The single-family lot cannot be part of a subdivision developed under the Open Space Development Overlay option.
- B. The mobile home dwelling shall be sited consistent with the zoning district's setback regulations.
- C. Required water and sanitary facilities must be provided.
- D. Maximum length of permit shall be six (6) months, but the code enforcement officer may extend the permit for an additional six (6) months in the event of circumstances beyond the control of the owner.
- E. Application for the extension shall be made at least fifteen (15) days prior to expiration of the original permit.
- F. The mobile home shall be removed from the property within thirty (30) days of issuance of any occupancy permit for the rehabilitated or new residence.

- G. The applicant shall be required to provide express consent and authorization to the Town of Nolensville to remove the mobile home at the owner's expense upon termination of the temporary permit if the owner fails to do so.

### **2.3.3 Bed and Breakfast**

- A. The Bed and Breakfast shall have no more than three (3) guest rooms.
- B. The Bed and Breakfast shall serve no more than one (1) morning meal per day.
- C. The maximum stay for any guest shall be fourteen (14) consecutive days.
- D. Sufficient parking shall be provided dependent on the number of guest rooms, with one space per room.

### **2.3.4 Attached Senior Housing**

- A. The overall site design, architecture, setbacks and landscaping plans shall be compatible with the area where the community is proposed, as determined by the Planning Commission or a design review board.
- B. Plans must graphically convey the architectural design to the extent determined necessary by the Planning Commission or reviewing body. Architectural drawings of all building elevations shall be included as part of the submittal.
- C. Any main roads within the community which connect communal areas must contain sidewalks or other off-street walking paths.
- D. Primary access shall be limited to the abutting road having the greatest traffic capacity.
- E. Attached senior housing shall consist of either single-story units or townhouses. Stacked units, in which units are located above other units, shall not be permitted.
- F. Attached senior housing shall not consist of more than four (4) units within any single building.
- G. Front loaded garages that are attached to the house shall be recessed a minimum of fifteen (15) feet from the front facade.

### **2.3.5 Religious Institution**

- A. For religious institutions seating up to fifty (50) people within the sanctuary, the minimum lot size shall be one (1) acre.
- B. For religious institutions seating more than 50 people within the sanctuary, the minimum lot size shall be two (2) acres plus one-half (1/2) acre for every one hundred (100) seats.
- C. Primary access shall not be permitted on a local road.
- D. Screening in the form of the Standard B Buffer Yard shall be provided along all common property lines.
- E. Housing shall not be permitted as accessory uses for religious institutions.
- F. Schools shall be permitted as accessory uses for religious institutions provided that adequate acreage is provided for both uses as outlined in this section.

### **2.3.6 Educational Facility**

- A. Minimum campus size shall be based on the State/County standards or the total enrollment capacity of the following school types, whichever is more restrictive:

<b>School Type</b>	<b>Minimum Campus Size</b>
Elementary (K-8)	5 acres + 1 acre/100 students
Middle (5-9)	10 acres + 1 acre/100 students
High (7-12)	15 acres + 1 acre/100 students
Adult Education	not applicable

- B. Primary access shall not be permitted on a local road.
- C. Screening in the form of the Standard B Buffer Yard shall be provided along all common property lines.
- D. Indoor/outdoor interscholastic and intramural competitive sports and outdoor physical education facilities are prohibited.
- E. Playground and nature study grounds shall be permitted.

### **2.3.7 Cemetery**

- A. The minimum lot size shall be five (5) acres. Private family cemeteries and cemeteries accessory to a religious institution shall be on a one-quarter (1/4) acre lot (for cemetery), minimum.
- C. For cemetery developments of twenty-five (25) acres or greater, primary access shall be from a collector or arterial road.
- D. Where the perimeter of a cemetery abuts a residential use, the Standard A Buffer Yard shall be provided along the common property lines.
- E. The following accessory uses shall be permitted: mausoleums, columbiums, chapels seating less than thirty (30) people, funeral homes, maintenance buildings and other facilities for burial and ceremonial purposes.

### **2.3.8 Recreational and Athletic Facilities**

- A. Primary access shall not be permitted on a local road or lesser standard road.
- B. The Standard A Buffer Yard shall be applied along all abutting property lines.
- C. Lighting plans shall demonstrate no spillage onto adjacent residential properties. Exterior Lighting shall not exceed three (3) foot candles as measured at the property line.
- D. Potential noise from speaker systems shall be sufficiently mitigated

### **2.3.9 Community Center**

- A. Community centers shall be designed to serve the immediate neighborhood in which they are located, not the larger community.



**2.3.10 Charitable, Fraternal or Social Organization**

- A. The Standard A Buffer Yard shall be applied along all abutting property lines.

**2.3.11 Emergency Services**

- A. Access shall not be permitted on a local road or lesser standard road.

**2.3.12 Veterinary Offices and Animal Boarding Facilities**

- A. Veterinary offices and facilities shall be limited to three thousand (3,000) square feet of gross floor per establishment within the V district and four thousand (4,000) sq. ft. within the CS and OI districts, with no more than two (2) establishments per lot.
- B. Animal boarding in the V, CS and OI districts shall occur within completely enclosed structures.
- C. Outdoor exercise yards shall be completely fenced and used only between 7 a.m. and 7 p.m.
- D. When the office is adjacent to existing residential uses, the Standard B Buffer Yard shall be provided along those common property lines.
- E. Kennels are not allowed for training and breeding under these conditions.

**2.3.13 Self-Storage Facility**

- A. Each storage unit shall be fully enclosed by walls and roof and shall not exceed six hundred (600) square feet in area.
- B. Outdoor storage shall not be permitted, except for the parking of recreational vehicles, boats and trailers.
- C. Storage units shall not be used for the manufacture, processing or assembly of goods, the sale of goods or personal services on the premises, or customer pickup.
- D. Active use or activities such as the practice of musical instruments shall not be permitted within individual units or anywhere else on site.
- E. Adequate water pressure and volume shall be available for fire protection.

**2.3.14 Adult Entertainment**

- A. An adult entertainment use shall not be located within one thousand (1,000) feet of an existing school, religious institution or residential use as measured from building footprint to building footprint.

**2.3.15 Light Industry**

- A. Access shall not be permitted on a local road.
- B. The Standard B Buffer Yard shall be applied along all adjacent property lines.

- C. The use shall meet all operational performance standards of Article 1.10 of this ordinance.

**2.3.16 Auction House**

- A. Primary access shall not be permitted on a local road.
- B. Auction Houses shall meet parking requirements of Article 3 for recreational and athletic facilities.
- C. The Mayor or his designee shall stipulate the maximum noise level permitted to occur at the site boundary in accordance with the provisions of Article 8.
- D. The Mayor or his designee shall stipulate the hours and days of operation, based on recommendations by the Planning Commission.

**2.3.17 Day Care Home** *(see Article 1 for definition)*

- A. Obtain license to operate facility from the Tennessee Department of Human Services or show evidence that a license will be issued after approval of the Board.
- B. Minimum lot size shall be the same as the principal activity; except when in the opinion of the Board of Zoning Appeals circumstances warrant otherwise.
- C. All outside areas must be fenced and be set back from side and rear lot lines by a minimum of fifteen (15) feet. Play areas shall contain a minimum of one hundred (100) square feet per child.
- D. The facility shall be located so as to be compatible with the surrounding area and provide safety to those using each facility.
- E. Adequate buffering between any outside areas and residential lots shall be provided.
- F. All refuse shall be contained in completely enclosed facilities, and the facilities shall be located in the rear of the building.
- G. Only one (1) sign, which shall not exceed two (2) square feet, may be used to advertise the day care home.

**2.3.18 Day Care Center** *(see Article 1 for definition)*

- A. Obtain license to operate facility from the Tennessee Department of Human Services or show evidence that a license will be issued after approval of the Board.
- B. All outside play areas be in rear yards and be fenced; required buffer areas to be excluded in fenced area.
- C. The Standard B Buffer Yard shall be provided between any outside areas and adjacent residential lots
- D. In SR/PUD overlay district as part of an overall master PUD plan.

**2.3.19 Group Home** *(more than eight individuals)*

- A. A proper license to operate the facility must be secured prior to occupancy.
- B. Shall be on a lot that meets the minimum standards for the district.
- C. Special fire escapes, garbage disposal facilities and other required structural changes shall be located and screened to minimize the character differences with other structures in the area.
- D. There shall be adequate parking for each resident and visiting staff member, and for each resident who is able to drive an automobile.
- E. Total number of residents shall be limited to twenty (20) persons, including staff.

**2.3.20 Funeral Home**

- A. May be permitted as a special exception in the ER zone if the funeral home is an accessory use to a cemetery.
- B. Access shall not be permitted on a local road.
- C. Funeral home shall meet parking requirements of Article 3 for a funeral home.

**2.3.21 Utility Facility**

- A. All buildings and vehicle loading areas shall be located a minimum of fifty (50) feet from any existing home or potential home site.
- B. The Standard C Buffer Yard shall be provided along all adjacent ER, SR, UR, MH, and V zone. The Standard B Buffer Yard shall be provided between all other adjacent properties and public streets.
- C. Minimum lot size shall be adequate to accommodate the type of utility facility.
- D. Road access shall be adequate to accommodate the vehicular traffic generated by the utility facility and shall not adversely affect the safety and convenience of vehicular and pedestrian flow in the area. The location of road access shall not cause negative impacts on the surrounding area.
- E. The facility shall meet all operational performance standards of Article 8.

**2.3.22 Car Wash**

- A. Residential Setback. Whether automatic, free, self-service or by hand, the car wash structure (including wash bays) and outdoor vacuuming machines or areas, shall be located fifty (50) feet from any residential zone district or district permitting residential use.
- B. Openings. All washing facilities shall be located within a structure which is enclosed except those openings necessary for vehicular and pedestrian ingress and egress. Such openings shall not face any adjacent residentially zoned property.
- C. Hours of Operation. Operation of the car wash shall be prohibited prior to 6 a.m. or after 10 p.m. on any day of the week.
- D. Outdoor loudspeakers. There shall be no outdoor loudspeakers or public address systems.

- E. Vehicle Sales or Storage. No vehicle may be stored or parked on the premises for the purpose of offering it for sale.
- F. Automatic Car Wash.
  - 1. One (1) automatic car wash, capable of washing only one (1) car at a time, shall be located fifty (50) feet away from any residential zone district or district permitting residential use. There shall be no more than two (2) wand car washes to every one (1) automatic car wash.
  - 2. All washing facilities shall be located within a building which is enclosed except those openings necessary for vehicular and pedestrian access. Such openings shall not face any adjacent residentially zoned property.
  - 3. Operation of the establishment shall be prohibited prior to 6 a.m. or after 10 p.m. on any day of the week.
- H. All building structures shall have a brick veneer covering. No metal walls shall be allowed. Metal roofing is acceptable. No flat roofs shall be allowed.
- I. Dumpster area is to be enclosed in brick or split phase architectural walls with a screened gate. Dumpster area pad shall be constructed with reinforced concrete.
- J. The minimum front setback for a car wash shall be 60 feet.
- K. During the hours of non-operation barriers to ingress and egress must be installed or doors will be installed at each end of the bay to block access. Buffering is to be determined by staff on a plat to plat basis.
- L. Buffering is to be determined by staff on a plat-to-plat basis.

**2.3.23 Home Occupations** *(Formerly 2.4.0)*

May be approved administratively by staff providing all of the following conditions are met:

- A. Home Occupations shall not be identified by the display of goods or signs on the lot on which it is located.
- B. No more than 25% of the total floor area is devoted to the home occupation.
- C. The site may not be used as a storage facility for a commercial activity conducted elsewhere.
- D. No materials, goods and/or equipment indicative of the home occupation shall be visible from any public road or stored outside.
- E. The use shall not generate noise, fumes or smoke, nor create a nuisance of any kind which would affect the residential character of the area in which it is located.
- F. No traffic shall be generated by the home occupation in greater volume than would normally be expected in the area.
- G. There shall be no on-site sales allowed. Business transactions conducted via telecommunication devices shall not be considered as on-site sales for the purpose of this article.

- H. Teaching, including but not limited to tutoring and art, music or dance lessons, shall be permitted provided that it is limited to no more than two pupils at any given time.

All home occupation requests not meeting the above conditions shall require Planning Commission approval.

**2.3.24 Tower, Communications or Other** *(Formerly 2.5.0)*

- A. The applicant shall demonstrate that the existing towers, buildings or structures within the proposed service area cannot accommodate the equipment planned to be located on the proposed tower.
- B. Factors to be considered by the Planning Commission in evaluating the practicality of siting the proposed equipment on existing or approved towers shall include
  - 1. structural capacity;
  - 2. radio frequency interference, and
  - 3. geographic service area requirements.
- C. The proposed tower shall cause no interference with any type of electronic reception in nearby residential areas.
- D. The tower shall be sited so that there is a sufficient radius of clear land around the tower to ensure its collapse will be contained within an unoccupied area. The radius shall be determined by measuring the proposed height of the tower and adding any additional height required to accommodate all proposed antennas and other appurtenances.
- E. Applicant shall provide proof of ownership, lease or permanent easement right for the designated collapse area.
- F. There shall be room for maintenance vehicles to maneuver on the property.
- G. On-site buildings shall only be used for the storage of necessary on-site equipment.
- H. No lights shall be permitted on the tower except for warning lights required by State or Federal law.
- I. Along all adjacent boundaries with ER, SR, UR, MH, and V zone districts, the Standard A Buffer Yard shall be applied to shield the base of the tower, accessory buildings and parking area.
- J. All towers with a height of one hundred fifty (150) feet (from the base to the top) or more shall be constructed in accordance with Electronic Industries Association (“EIA”) standard 222E-1991 utilizing a wind rating of eighty miles per hour (80 MPH) plus ice loading for Nolensville.
- K. All applications for permits to build towers in Nolensville must be accompanied with a “Determination of No Hazard” from the Federal Aviation Administration, as well as all required Federal Communications Commission permit information.
- L. All telecommunications towers must be completely surrounded by at least an eight (8) foot screen link fence.

**2.3.25 Automotive/Vehicular Sales and Services** *(Formerly 2.6.0)*

- A. Primary access shall not be permitted on a local residential street.
- B. Minimum lot size of three (3) acres, excluding land in floodplain. All of counted area for meeting minimum must be on the same side of the floodplain, and out of the floodplain.
- C. No inoperable motor vehicles can be kept on premises of vehicular sales operations.
- D. Repair of any type vehicle must be performed within closed buildings.
- E. No outdoor loudspeakers shall be used anywhere on the lot.
- F. Must meet performance standards in Article 8 (lighting, noise, etc.)
- G. Overflow vehicle storage must be stored on same lot.
- H. All buildings and vehicle loading areas must be located a minimum of 200 feet from any existing residential uses.
- I. Minimum street frontage at 300 feet.
- J. Minimum building setback at 100 feet from r-o-w.
- K. Cannot be located on any part of another land use (e.g., in front of an office or store).

**2.3.26 Historic Home Special Events** *(Formerly 2.7.0)*

(Conditions to be met and approved by the Board of Zoning Appeals)

**Type of Use Permitted:**

Permits special events to be held on the site of a Historic Home or accessory building and/or lawn of a historic home site as part of a business operation. Events such as weddings, receptions, parties, and similar uses for special occasions are generally of a temporary nature. This use is allowed in Village and Estate Residential zoning districts by conditions only as set forth below.

**Conditions:**

- A. Lot size: Meet minimum lot standard for the applicable zoning district.
- B. Location: Events shall be within a historically significant structure or in an accessory structure or site of the historically significant structure, as recognized by the Historic Zoning Commission.
- C. Parking: One stall per three (3) expected patrons at maximum capacity. Off-site parking may be allowed per shared parking agreement with adjacent properties. Provide for an on-site turn around area so that backing into the street will not be necessary.
- D. Signs: Advertising signs shall not be permitted. Incidental signs for parking directions are allowable.

- E. Meals: Meal service shall be restricted to patrons of the special events only; and, must meet all applicable codes related to on-site food preparation, if applicable.
- F. Owner-Occupied: The owner of the property or a person with controlling interest in the property must reside in the historic home and the owner must be the applicant to the Town to be responsible for complying with these regulations.
- G. Frequency of Events: The Board of Zoning Appeals may limit the number and frequency of events to minimize disturbance to surrounding properties.
- H. Restrooms: Adequate provision for restroom facilities on the site.
- I. Landscape Buffer: Provide adequate landscape buffer from adjacent properties as set forth in Appendix B of the zoning ordinance.
- J. Site Plan: Submit site plan to Board of Zoning Appeals illustrating how the above conditions will be met.
- K. Tents erected in conformance with all applicable codes, emergency exits, etc.
- L. Traffic control measures may be required by the BZA.
- M. Meet IBC standards for assembly use when exceeding 49 persons attending an event.